

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No.
)	
JOHN T. KORSMO,)	
)	
Defendant)	
)	
)	
)	

PLEA AGREEMENT

Pursuant to Rule 11 of the Federal Rules of Criminal Procedure, the United States of America and the defendant John T. Korsmo, agree as follows:

1. The defendant is entering this agreement and is pleading guilty freely and voluntarily without promise or benefit of any kind, other than contained herein, and without threats, force, intimidation, or undue coercion of any kind.
2. The defendant knowingly, voluntarily, and truthfully admits the facts contained in the attached Factual Basis for Plea.
3. The defendant shall enter a plea of guilty to a one-count Information, a copy of which is attached. The defendant admits that he is guilty of the crime charged in the Information, that is, knowingly and willfully making a materially false statement, in violation of 18 U.S.C. § 1001, and defendant understands that he will be adjudicated guilty of that offense.
4. The defendant understands the nature of the offense to which he is pleading guilty, and the elements thereof, including the penalties provided by law. The maximum penalties for the offense are as follows: five years of imprisonment, a \$250,000 fine, and a mandatory special assessment of \$100. The defendant understands that the Court may impose a

term of supervised release to follow any incarceration, in accordance with 18 U.S.C. § 3583, and that, in this case, the authorized term of supervised release is not more than three years. The defendant also understands that the Court may impose restitution, costs of incarceration, and costs of supervision.

5. If the Court accepts defendant's plea of guilty to the Information, and the defendant fulfills each of the terms and conditions of this agreement, the United States agrees that it will not further prosecute the defendant for any conduct associated with the Candidate's fundraising event or any investigative responses thereto.

6. The defendant understands and acknowledges that he may receive any sentence within the statutory maximums for the offenses of conviction.

7. The United States cannot and does not make any promise or representation as to what sentence the defendant will receive or what fines or restitution, if any, the defendant may be ordered to pay. The defendant understands that the sentence applicable to this case will be determined solely by the Court, with the assistance of the United States Probation Office, and that the defendant will not be permitted to withdraw his/her plea regardless of the sentence calculated by the United States Probation Office or imposed by the Court.

8. On an advisory basis only, the Parties agree to recommend that the defendant's base offense level under this U.S.S.G. § 2B1.1 is level 6. Should the defendant comply fully with his obligations under this agreement and clearly demonstrate acceptance of responsibility for the instant offense, the United States will further recommend that the defendant receive a two-level reduction for acceptance of responsibility under U.S.S.G. § 3E1.1. The parties also agree to recommend that no other upward or downward adjustments or departures under the Sentencing Guidelines are warranted. The defendant understands that these recommendations

are not binding on the Court or the Probation Office, and that the defendant will not be entitled to withdraw his plea in the event that either the Court or the Probation Office reject these recommendations.

9. The United States agrees that it will entirely waive its right to allocute at the time of the defendant's sentencing. The attorneys for the United States will provide the Court with any information requested by the Court, and will inform the Probation Office of (1) this agreement; (2) the nature and extent of the defendant's activities with respect to this case; and (3) all other information in its possession relevant to sentencing.

10. The defendant agrees that he will not seek or accept employment with the Executive Branch of the United States government at any time during the next ten years.

11. If the defendant fails to comply with any of the material conditions and terms set forth in this agreement, the defendant will have committed a material breach of the agreement which will release the government from its promises and commitments made in this agreement. Upon defendant's failure to comply with any of the terms and conditions set forth in the agreement, the government may fully prosecute the defendant and any other person on all criminal charges that can be brought. With respect to such a prosecution, the defendant waives the right to claim that evidence presented in such prosecution is tainted by virtue of the statements the defendant has made, and the defendant waives any and all defenses based on the statute of limitations with respect to any such prosecution that is not time-barred on the date that this agreement is signed by the parties.

12. In the event of a dispute as to whether defendant has knowingly committed any material breach of this agreement, and if the United States chooses to exercise its rights under the preceding paragraph, and if the defendant so requests, the matter shall be submitted to the Court

and shall be determined by the Court in an appropriate proceeding at which defendant's disclosures and documents shall be admissible and at which time the United States shall have the burden to establish the defendant's breach by a preponderance of the evidence.

13. The defendant agrees that if the Court does not accept the defendant's plea of guilty, this agreement shall be null and void.

14. The defendant understands that this agreement is binding only upon the Public Integrity Section of the Department of Justice. This agreement does not bind any United States Attorney's Office, nor does it bind any state or local prosecutor. It also does not bar or compromise any civil or administrative claim pending or that may be made against defendant. If requested, however, the Public Integrity Section will bring this agreement to the attention of any other prosecuting jurisdiction and ask that jurisdiction to abide by the provisions of this plea agreement. The defendant understands that other prosecuting jurisdictions retain discretion over whether to abide by the provisions of this agreement.

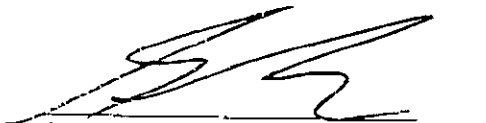
15. This agreement and the attached Factual Basis for Plea constitute the entire agreement between the United States and the defendant. No other promises, agreements, or representations exist or have been made to the defendant or the defendant's attorneys by the

Department of Justice in connection with this case. This agreement may be amended only by a writing signed by all parties.

Dated: 3/21/05

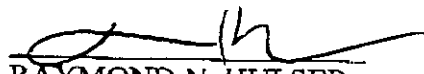
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